

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #15	CCRB Case #: 201802261	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/22/2018 12:05 AM	Location of Incident: § 87(2)(b) 122 Precinct Stationhouse	Precinct: 122	18 Mo. SOL 9/22/2019	EO SOL 9/22/2019	
Date/Time CV Reported Fri, 03/23/2018 11:45 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 03/23/2018 11:45 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DTS Louise Sanfilippo	4715	929117	122 PCT
2. LT James Soares	00000	942564	122 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Tamar Uster	10517	935892	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Louise Sanfilippo	Abuse: Detective Louise Sanfilippo threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.DTS Louise Sanfilippo	Discourtesy: Detective Louise Sanfilippo spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C.DTS Louise Sanfilippo	Abuse: Detective Louise Sanfilippo threatened to seize § 87(2)(b)'s property.	§ 87(2)(b)
D.LT James Soares	Abuse: Lieutenant James Soares did not process § 87(2)(b)'s complaint regarding an officer.	§ 87(2)(b)

## Case Summary

On March 23, 2018, § 87(2)(b) filed this complaint online through the CCRB website.

On March 22, 2018, at 12:05am, Detective Louise Sanfilippo and Police Officer Tamar Uster of the 122<sup>nd</sup> Precinct rang the doorbell of § 87(2)(b) in Staten Island. § 87(2)(b) came downstairs, followed by § 87(2)(b) who stood on the staircase behind him. § 87(2)(b) observed and listened to this encounter from the upstairs window of § 87(2)(b)'s residence. Upon opening the door, Det. Sanfilippo asked § 87(2)(b) if the truck parked down the block was his. The truck was a commercial vehicle, a semi-truck cabin. § 87(2)(b) responded that it was. Det. Sanfilippo then allegedly said "I could put cuffs on your right now" (**Allegation A: Abuse of Authority**, § 87(2)(g)) and "Get your ass outside" (**Allegation B: Discourtesy**, § 87(2)(g)). After speaking with § 87(2)(b) for approximately five minutes, § 87(2)(b) asked to get dressed. After approximately five minutes, § 87(2)(b) got dressed and went outside to his truck with Det. Sanfilippo, PO Uster, and § 87(2)(b). Once outside, § 87(2)(b) provided Det. Sanfilippo with his truck's valid registration and license plate. Det. Sanfilippo then allegedly informed § 87(2)(b) that he had to move his truck or it would be towed and he would "never see it again" (**Allegation C: Abuse of Authority**, § 87(2)(g)). At that point, the officers returned to their vehicle and issued § 87(2)(b) three summonses. Towards the end of their presence at the scene, the officers provided § 87(2)(b) the summonses, and once they were assured he was going to move his truck, left the scene.

The afternoon March 22, 2018, at around 5:30pm, § 87(2)(b) and § 87(2)(b) went to the 122<sup>nd</sup> Precinct Stationhouse. Upon arriving at the stationhouse, they spoke to Lieutenant James Soares. § 87(2)(b) requested to file a complaint. After a brief conversation, Lieutenant Soares provided § 87(2)(b) with Det. Sanfilippo's name and shield number on a piece of paper. He did not provide § 87(2)(b) with a complaint form, and did not offer to fill out her complaint in the stationhouse (**Allegation D: Abuse of Authority**, § 87(2)(g)).

## Findings and Recommendations

### **Allegation (A) Abuse of Authority: Detective Louise Sanfilippo threatened to arrest** § 87(2)(b)

§ 87(2)(b) testified that as soon as he opened the door on the morning of March 22, 2018, Det. Sanfilippo began to yell at him. Due to the alleged yelling, § 87(2)(b)'s ability to understand English was diminished. He stated that he possessed a valid registration and license plates for the truck. He acknowledged that his truck was parked illegally. He stated that among the words he understood from Det. Sanfilippo was the word "arrest" (BR02).

§ 87(2)(b) testified Det. Sanfilippo asked § 87(2)(b) if the truck on the corner was his when speaking to him at the front door. When he responded affirmatively, Det. Sanfilippo informed § 87(2)(b) that his truck was illegal, that it had fake plates, and that she could put handcuffs on him (BR01).

§ 87(2)(b) testified that she proceeded to § 87(2)(b)'s living room window, which overlooks the front door to the house. She observed two female police officers at § 87(2)(b)'s door. Det. Sanfilippo stated that his truck was illegal, and that she could put handcuffs on him at that point (BR03).

Det. Sanfilippo testified that she traveled to the vicinity of § 87(2)(b) to look for a truck that she had received numerous 311 complaints about, in addition to a request made by Community Board 3. Upon locating § 87(2)(b)'s truck on the morning of March 22, 2018, she and PO Uster conducted a New York State Department of Motor Vehicles search of the license plate affixed to § 87(2)(b)'s truck. The address information correlated with § 87(2)(b) but the information in the database did not match the vehicle Det. Sanfilippo observed, differing in make, model year, and color. Additionally, PO Uster observed that the registration in the vehicle's window was a photocopy. Det. Sanfilippo denied saying she could put § 87(2)(b) in cuffs while speaking to him at his doorway. Det. Sanfilippo stated that when she was speaking to § 87(2)(b) by his truck, she informed him that if his registration was altered in any way, he would be arrested (BR05).

PO Uster's testimony was consistent with Det. Sanfilippo in regards to the threat of arrest (BR04).

As per New York State Penal Law § 170.20, a person is guilty of criminal possession of a forged instrument in the third degree when, with knowledge that it is forged and with intent to defraud, deceive or injure another, he utters or possesses a forged instrument (BR13).

§ 87(2)(g)

**Allegation (B) Discourtesy: Detective Louise Sanfilippo spoke discourteously to § 87(2)(b)**

Prior to interacting with the officers, § 87(2)(b) heard her doorbell ring continuously. Her father, § 87(2)(b) went downstairs to open the door, followed by § 87(2)(b). When § 87(2)(b) opened the door, Det. Sanfilippo, asked § 87(2)(b) in a loud voice "Is this your truck on the corner?" § 87(2)(b) responded that it was. After a brief conversation, § 87(2)(b) alleged that Det. Sanfilippo said "You better get your ass outside right now" to § 87(2)(b). § 87(2)(b) alleged that Det. Sanfilippo then stated "You better get your ass out of the house before I arrest you" (BR01).

§ 87(2)(b) testified when he opened the door, Det. Sanfilippo began to yell at him, which caused § 87(2)(b) stress and impaired his ability to understand English. He stated that all of the words he understood were curse words. He alleged that Det. Sanfilippo told him “Take your fucking ass and come out.” He also alleged that Det. Sanfilippo used the words “fuck” and “ass” multiple times, directed at him. (BR02).

§ 87(2)(b) testified she heard Det. Sanfilippo allegedly say “Get your ass out here” to § 87(2)(b) (BR03).

Det. Sanfilippo denied saying “Get your ass outside.” Det. Sanfilippo denied saying the word “ass” throughout her entire interaction with § 87(2)(b). Det. Sanfilippo denied saying the word “fuck” throughout her entire interaction with § 87(2)(b) (BR05).

PO Uster denied that Det. Sanfilippo used any profanity throughout the entire interaction with § 87(2)(b) (BR04).

§ 87(2)(b) and § 87(2)(b) all testified that they heard Det. Sanfilippo use the word “ass” directed at § 87(2)(b). § 87(2)(b) testified Det. Sanfilippo said “Take your fucking ass and come out” to him. Det. Sanfilippo and PO Uster both denied that Det. Sanfilippo used the word “ass” and the word “fuck” at all throughout their interaction with § 87(2)(b).

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

**Allegation (C) Abuse of Authority: Detective Louise Sanfilippo threatened to seize § 87(2)(b) s property.**

§ 87(2)(b) testified that she and § 87(2)(b) in addition to the officers, went outside to § 87(2)(b) s truck. Det. Sanfilippo instructed § 87(2)(b) that he had to move his truck, or it would be towed and he would never see it again. § 87(2)(b) then dug out his truck and drove it away while the officers watched from their vehicles for part of the time he excavated his vehicle (BR01).

§ 87(2)(b) testified that after speaking to Det. Sanfilippo at the door, he got dressed and went outside. Det. Sanfilippo then informed him he had to move his truck, or it would be towed and he would never see it again. § 87(2)(b) attempted to argue with the officers that it was snowing. The officers insisted. He then dug out his truck and drove it away from the location (BR02).

§ 87(2)(b) did not testify to having observed Det. Sanfilippo inform § 87(2)(b) that his truck could be towed (BR03).

Det. Sanfilippo testified she observed § 87(2)(b)'s parked truck at approximately 12:00am. She informed § 87(2)(b) that his truck could be towed while speaking with him at his front door. She informed him of this because the plates did not match the vehicle. While at the truck, Det. Sanfilippo again informed § 87(2)(b) that if his truck was not moved, it would be towed. Det. Sanfilippo denied saying that § 87(2)(b) would never see his truck again if it was towed (BR05).

PO Uster testified that she observed § 87(2)(b)'s truck parked the wrong way on a service road. PO Uster did not recall if a statement was made regarding towing the truck at the doorway of § 87(2)(b). She did not recall if either she or Det. Sanfilippo had informed § 87(2)(b) that if he did not move his truck, it would be towed (BR04).

New York City Traffic Rules 4-06(k)(6) states that no person shall park a commercial vehicle on a residential street between the hours of 9 p.m. and 5 a.m (BR14).

New York City Traffic Rules Section 4-08 (m)(1) states that Except where angle parking is authorized, every vehicle stopped, standing, or parked partly upon a roadway shall be so stopped, standing or parked parallel to the curb or edge of the roadway. On a one-way roadway such vehicle shall be facing in the direction of authorized traffic movement; on a two-way roadway such vehicle shall be facing in the direction of authorized traffic movement on that portion of the roadway on which the vehicle rests (BR14)

§ 87(2)(g)

**Allegation (D) Abuse of Authority: Lieutenant James Soares did not process § 87(2)(b)'s complaint regarding an officer.**

§ 87(2)(b) testified that on the afternoon of March 22, 2018, between 5:30pm and 6:00pm, she traveled to the 122nd precinct stationhouse with § 87(2)(b). Upon entering the stationhouse, § 87(2)(b) observed Lt. Soares at a desk to her right, and she also observed Det. Sanfilippo in the stationhouse. § 87(2)(b) began to speak to the desk officer, identified by this investigation as Lieutenant Soares. § 87(2)(b) stated she wanted to file a complaint against an officer in the station house, and pointed at Det. Sanfilippo. § 87(2)(b) then explained the situation to Lieutenant Soares. § 87(2)(b) requested Det. Sanfilippo's shield number and name. Lt. Soares provided § 87(2)(b) with a sheet of paper with Det. Sanfilippo's name and shield number, along with the CCRB's phone number. Lt. Soares did not provide § 87(2)(b) with a complaint form for the CCRB, and did not process her complaint (BR01).

§ 87(2)(b) testified that upon entering the stationhouse, § 87(2)(b) spoke to Lieutenant Soares. She informed him she wished to make a complaint. § 87(2)(b) then detailed the events of the early morning of March 22, 2018. § 87(2)(b) stated that throughout the conversation, Lieutenant Soares repeated “I was not there.” At the end of the conversation, Lieutenant Soares provided § 87(2)(b) with a piece of paper with a phone number and Det. Sanfilippo’s name and shield number (BR03).

Det. Sanfilippo testified that she did not hear § 87(2)(b) request to make a complaint (BR05).

Lieutenant Soares testified that he was assigned as the desk officer the afternoon of March 22, 2018. Between 3:00pm and 6:00pm, he observed § 87(2)(b) and another individual enter the stationhouse. He spoke to § 87(2)(b) and she requested to make a complaint against officers who were not identified. Lieutenant Soares looked up the incident location, cross-referenced the unit deployed to that location the night prior, and provided § 87(2)(b) the officers’ names and shield numbers. Lieutenant Soares also provided § 87(2)(b) with the CCRB’s phone number, and directed her attention to the CCRB sign in the stationhouse. Lt. Soares did not provide § 87(2)(b) a complaint form, and did not process § 87(2)(b)’s complaint. Lieutenant Soares understood this to be in line with New York Police Department Procedure (BR06).

Upon receipt of a complaint from a civilian alleging misconduct by a uniformed member of the service: Process complaints as follows: (1) Interview complainant. (2) Give complainant first copy of **CIVILIAN COMPLAINT REPORT (PD313-154)** to be prepared in complainant’s own handwriting. (3) Furnish assistance or allow other person to assist in preparing the form. Enter under “Details” reason assistance was given. (4) Have complainant sign form under appropriate caption and have representative or person assisting, if any, sign form under caption “Details.” NYPD Patrol Guide Procedure 207-31 (BR12)

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g).

#### Civilian and Officer CCRB Histories

- § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR11).
- Det. Sanfilippo has been a member of service for 16 years and has been a subject in five CCRB complaints and 12 allegations, none of which were substantiated. Det. § 87(2)(g)  
§ 87(2)(g)
- Lieutenant Soares has been a member-of-service for 11 and this is the first CCRB complaint to which he has been a subject.

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**Mediation, Civil and Criminal Histories**

- Mediation was offered and rejected in this case to both § 87(2)(b) and § 87(2)(b)
- A request was filed with the New York City Office of the Comptroller for any Notice of Claim filed in regards to this incident on May 18, 2018. According to the New York City Office of the Comptroller, no Notice of Claim has been filed in regards to this incident (BR15).
- § 87(2)(c), § 87(2)(b)
- § 87(2)(c), § 87(2)(b)

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Squad No.: 15

Investigator:	_____ Signature	<u>Investigator Zachary Herman</u> Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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